

CITY OF ALBUQUERQUE LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT

Project #: 1008168
Property Description/Address: 820 Broadway Blvd SE, Lots 1-12, Block 5, Lewis and Simmons Addn
Date Submitted: April 2, 2010
Submitted By: Diane Grover
Meeting Date/Time: April 1, 2010, 2:00 p.m.
Meeting Location: John Marshall Community Center
Facilitator: Diane Grover
Co-facilitator: Tonya Covington

Parties:

Archdiocese of Santa Fe
St. Francis Xavier Parish
Society of St. Vincent de Paul
Angela Benson, DSA Architects, Agent
South Broadway N.A. ("SBNA")
United South Broadway ("USB")

Note: Individual names can be found at the end of this report.

Background/Meeting Summary:

The Archdiocese of Santa Fe requests a special exception to section 14-16-3-10 (E)(3)(b): a variance of 6' to the 6' required side landscape buffer for all or a portion of Lots 1-12, Block 5, Lewis and Simmons Addn. zoned SU-2 NCR, located on 820 Broadway Blvd SE.

Angela Benson of DSA Architects, as agent for the Archdiocese of Santa Fe, presented plans for the variance. The church plans to place an 1800 sq. ft. portable building in a location where 3 buildings previously demolished were located. The purpose of the building is to store donated food for future delivery to poor families in need. Food will not be prepared or stored on site.

The church was built in 1928. At the time there were no landscaping requirements and the church was built to the property line. The Archdiocese' desire to put the building on the property triggered the need for compliance with current zoning and, therefore, this request.

A parking lot now abuts the right-of-way sidewalk. While the agent was not involved at the time the parking lot was built, she believed it was in compliance with ordinance and zoning regulations at that time, and that no paving permit or drainage permit was required. Neighbors disagreed that the parking lot was in compliance with zoning requirements when built, and the agent agreed to research this and follow up with the neighbors. While Angela Benson stated that the church has not needed to request variances in the past because everything is in compliance

and meets the spirit of the sector plan, Diana responded that they meet the spirit of the sector plan but not necessarily the goals of the neighborhood.

The applicant wants very much to find a win/win outcome that would allow them to maintain their current on site parking level while achieving the addition of the storage building and respecting the needs of the neighborhood. They are willing to compromise and to add landscaping in other areas that would beautify the property and thereby the neighborhood in hopes of gaining neighborhood support for the variance request. The applicant expressed, on numerous occasions throughout the meeting, a desire to work with the group to achieve a mutual solution. They asked what they could do to meet the needs of the neighbors.

Neighbors appreciate the applicant's offer to add landscaping to other areas of the property and support any additional landscaping. They are also committed to opposing variance requests globally to avoid precedent setting, and to maintain the livability of the neighborhood. They maintained their opposition to this request and believe that the way to meet the needs of the neighborhood is to comply with zoning regulations as written.

Neighbors are concerned that they perceive changes to the subject property occurring in a piece meal manner, and feel they cannot consider variances without an all inclusive site plan. While there was no guaranty that a site plan would assure neighborhood support of a variance, they are not inclined to consider variances without a site plan. They feel that lack of a site plan results in a lack of context for any request. They are also committed to uniformity in their response to variance requests throughout their community and achieve this by opposing requests for variances.

One church parishioner, who was also a neighbor, expressed his support for the variance, and could not understand how it could be injurious to the neighborhood. The majority of the neighbors who attended seemed to view all variances as injurious with regards to precedent setting. Neighbors also feel that the attraction of homeless into the neighborhood from the Church's program that feeds the homeless has been injurious to the community.

It was important to the applicant that neighbors understand that they mean no disrespect by continuing to pursue the variance, and that they remain open to considering other options to achieve neighborhood support.

Outcome:

Areas of Agreement:

- Both the SBNA and the Church are deeply committed to serving their community
- Angela agreed to research zoning requirements at the time the parking lot was built and report back to neighbors
- Angela Benson agreed to show Diana Dorn-Jones certification of food storage as a permissible use by Zoning

Unresolved Issues, Interests and Concerns:

- SBNA is committed to serving the South Broadway Neighborhood Community; the church commits to serving the community at large including the poor and the homeless. There are some conflicting needs between these two communities.
- Whether parking lot met all zoning requirements at the time it was built
- Neighbors do not support the request for a variance at this time

Meeting Specifics:

- 1) Applicant Presentation
 - a) Presented revised documents for all
 - b) Church had torn down 3 homes on the property
 - c) Church has Title I approval from APS to lease a building
 - i) Will be used as a “food pantry” for storage
 - ii) Food will be packaged up and delivered to needy community members
 - d) Agent states portable building is permissible use on property
 - i) Diana requested certification of use
 - e) Addition of building triggered need for variance request
 - i) Facility was built in 1928
 - (1) Built to the street with no room for landscape buffer
 - (2) Current zoning laws were not in place when built
 - (3) Adding building now requires zoning compliance
 - ii) Requesting 6’ variance to 6’ side landscape buffer
 - (1) Neighbor stated effect is request for waiver of 6’ landscape buffer
- 2) Discussion Points
 - a) Parking Lot
 - i) Diana Dorn-Jones stated parking lot was built much later
 - (1) Believes there were 6’ side yard setbacks in place at time of construction
 - (2) Would like compliance with 6’ setback
 - (a) Would like asphalt removed to accommodate setback
 - ii) Agent stated was not involved at that time
 - (1) Did not believe parking lot was subject to new regulations
 - (2) Believes lot was built over 10 years ago
 - (3) Stated no drainage permit was required
 - (4) Believes lot is in compliance with requirements in place at the time it was built
 - (5) Compliance with setback, if required, would require removal of 13 parking spaces
 - (6) Angela agreed to find out what was required when parking lot was built and get back to neighbors before hearing with research results
 - b) Request for variance
 - i) Diana stated that South Broadway N.A. opposes application for variance
 - ii) Agent requested suggestions for “meeting in the middle”
 - (1) Wished to negotiate additional landscaping elsewhere
 - (2) Neighbors would be pleased with additional landscaping
 - (a) Additional landscaping would not negate concerns with variance request

- iii) Darren (with DSA) suggested variance could help keep parking on site rather than in the neighborhood
 - (1) Diana stated studies show parking on the street is a traffic calmer – no objections
- c) Other neighborhood properties
 - i) One member of applicant team had concerns about other buildings in the area being out of compliance
 - ii) Diana stated that people have done things without permits and are out of compliance
- d) Portables planned
 - i) 2 were originally proposed
 - ii) 1 is planned now due to lack of funding
- e) Food Storage
 - i) Was taking place in buildings that were torn down
 - ii) Proposed portable is for renewed efforts for food storage
 - iii) Food to be delivered to community members, not prepared or served on site
 - iv) Outside storage
 - (1) Diana suggested storage in portable could be considered “outside storage” as defined by some sector plans
 - (2) Angela stated that Zoning had certified the use as permissible
 - (3) Diana asked to see certification and agent agreed
- f) Neighbor’s perspective
 - i) Original use of subject property was a school and a church
 - ii) Numerous uses have been added
 - iii) Neighbors unhappy with no prior knowledge of demolition of 3 buildings
 - iv) Concerned that parking lot did not meet zoning regulations when built
 - v) Have had problems with the meal giveaway program
 - vi) Some public nuisance and police involvement have occurred
 - vii) Uncomfortable with “piece meal” approach to developing site and uses
 - viii) Would like a site plan to see the big picture
 - ix) Wants compliance with zoning code as written
 - x) Do not want to create precedence, but hold all to zoning code
 - xi) Do not view the subject property as exceptional
- g) Church perspective
 - i) Committed to serving the poor
 - ii) Do not currently have a site plan
 - iii) Believes was no need to request variance in past because all is in compliance to date
 - iv) Have desire to change and react to the needs of the community
 - v) Commitment to helping the poor trumps creating a “showplace”
 - vi) Stress that the current application is simply about landscaping
 - vii) Are currently “under parked” but willing to add landscaping at other on site locations
 - viii) Do not want to disrespect SBNA or USB; will pursue the variance
 - ix) Believe that the property is exceptional

Action Plan:

Church will proceed with request for variance

Action Items:

- Angela agreed to research zoning requirements at the time the parking lot was built and report back to neighbors
- Angela agreed to show Diana Dorn-Jones certification of food storage as a permissible use by Zoning

ZHE Application Hearing Details:

- 1) Hearing Scheduled for Tuesday, **April 20, 2010**
- 2) Hearing Details:
 - a) The Office of the Zoning Hearing Examiner conducts monthly quasi-judicial PUBLIC HEARINGS regarding Special Exceptions to the Zoning Code (Please refer to Section 14.16.4.2 of the Comprehensive City Zoning Code)
 - b) There are certain criteria that applicants must meet in order to obtain an approval of decision for their special exception request.
- 3) Hearing Process:
 - a) Comments from facilitated meetings will go into a report which goes to the Hearing Examiner
 - b) All interested parties may appear at the hearing and voice their opinions or submit written comments prior to the day of public hearing.
 - c) The Zoning Hearing Examiner will render a determination of approval, approval with conditions or denial within 15 days after the close of the public hearing
 - d) The determination can be appealed to the Board of Appeals

Any further questions or comments can be referred to:

Lucinda Montoya
924-3918
Lucindamontoya@cabq.gov

Names & Addresses of Attendees:

Angela M. Benson	DSA Architects, LLC
Sister Bernice Garcia	St. Francis Xavier
Darren Sowell	DSA Architects, LLC
Alfredo Urban	St. Francis Xavier; St. Vincent de Paul
Max Jaramillo	St. Francis Xavier
Lorraine Smith	SBNA
David Chavez	SBNA
Diana Dorn-Jones	SBNA
Joan Harris-Jones	SBNA
Tina Martinez	St. Francis Xavier; St. Vincent de Paul
Esther Lopez	St. Vincent de Paul
Marie Legrand	SBNA
John Huchmala	Archdiocese of Santa Fe